

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NATHAN POOLE, SR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:12CV258-HSO-RHW

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND AFFIRMING THE DECISION OF THE COMMISSIONER**

This cause comes before the Court on the Report and Recommendation [13] of United States Magistrate Judge Robert H. Walker entered in this cause on April 15, 2013, and on Plaintiff's Motion for Summary Judgment [11] filed December 14, 2012, pursuant to FED. R. CIV. P. 56. Plaintiff filed his Complaint pursuant to 42 U.S.C. § 405(g), seeking review and reversal of the administrative decision of the Commissioner of Social Security. The Magistrate Judge recommended that Plaintiff's Motion for Summary Judgment [11] be denied, and that the Commissioner's decision be affirmed. Report and Recommendation [13], at p. 14. To date, Plaintiff has not filed any objection to the Magistrate Judge's Report and Recommendation.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection

is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based upon the record before this Court, and having conducted the required review, the Court is of the opinion that the Magistrate Judge’s Report and Recommendation is neither clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1). The Court finds that the Magistrate Judge properly recommended that Plaintiff’s Motion for Summary Judgment [11] be denied, and that the decision of the Commissioner be affirmed. The Court further finds that, for the reasons stated herein, the Report and Recommendation [13] of United States Magistrate Judge Robert H. Walker entered in this cause on April 15, 2013, should be adopted as the finding of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [13] of United States Magistrate Judge Robert H. Walker entered on April 15, 2013, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff’s Motion for Summary Judgment [11] filed on December 14, 2012, is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the decision of the Commissioner of Social Security is **AFFIRMED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 13th day of May, 2013.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE